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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/677,840 | 10/01/2003 | Shawn Beamish | SwBe:RoadM1 | 9535 |

26790 7590 06/30/2004

LAW OFFICE OF KAREN DANA OSTER, LLC
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EXAMINER

ADDIE, RAYMOND W

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3671

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,840

Applicant(s)

BEAMISH ET AL.

Examiner

Raymond W. Addie

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/02/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/02/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the phrase " A road mat of the present invention has a mat body having" is redundant and should be --A road mat having a body with--. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9, 13, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

For instance, Claim 3 recites "wherein said male coupling members are positioned in tandem with said female coupling members at each coupling end".

It is unclear from what perspective the male and female coupling members are "positioned in tandem...at each coupling end". Since the claims do not provide any

structure to the male and female ends, the structural relationship between the male and female ends, thus requiring the ends to be "positioned in tandem" is also unclear.

Further, one of ordinary skill in the art, would not be able to determine the scope of the limitation.

For examination purposes; Claim 3 is seen to require the male and female ends of each respective end of the mat; are positioned one-behind the other, such that respective male and female ends of adjacent mats can interlock, and mesh in a reciprocal manner.

The term "so that a male coupling member is suitable to interact with a larger female coupling member" in **claims 5, 13, 18** is a relative term which renders the claim indefinite. The term "so that a male coupling member is suitable to interact with a larger female coupling member" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. One of ordinary skill in the art, would not be able to determine the broadest reasonable interpretation of the limitation being cited, without undue reliance upon the disclosure.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Maier # 5,924,152.

Maier discloses a portable, interlocking road mat (1) for use as a road surface over varied sub-terrain, said road mat comprising:

A mat body (1) having 1st and 2nd coupling ends (6, 7). Said mat capable of being assembled together to form an elongated roadway.

Wherein said coupling ends (6, 7) each further comprise male and female, interlocking coupling members (7.1, 7.2), which are reciprocating mirror images of one another, such that the ends mesh with reciprocally fitting male and female ends.

Further wherein, said male and female coupling members are positioned in tandem, see Fig. 2. The coupling members having substantially semi-circular shapes, see figs. 3, 4. The male members of each coupling end (6, 7) being smaller in size than said female members, such that said male members may be received within said female members of an adjacent coupling end.

Art Unit: 3671

In regards to Claims 7-9 Maier discloses the road mat system can be formed by interlocking a plurality of mat bodies (1), such that the system provides for dynamic rotation of the coupling ends in a vertical plane to allow for inconsistencies in the terrain without loss of coupling capability, or strength, while providing a flush end fit; See fig.

17. See also Col. 4, Ins. 24-65; col. 5, ln. 49-col. 6, ln. 9.

4. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Benedict et al. # Re. 18,188 # 5,924,152.

Benedict et al. discloses a portable, interlocking road mat (unnumbered see fig. 2) for use as a road surface over varied sub-terrain, said road mat comprising:

A mat body having 1st and 2nd coupling ends. Said mat capable of being assembled together to form an elongated roadway.

Wherein said coupling ends each further comprise male and female, interlocking coupling members (4), which are reciprocating mirror images of one another, such that the ends mesh with reciprocally fitting male and female ends.

Further wherein, said male and female coupling members (4) are positioned in tandem, see Fig. 2. and have substantially semi-circular shapes.

The male members of each coupling end being smaller in size than said female members, such that said male members may be received within said female members of an adjacent coupling end.

In regards to Claims 7-9, 13, 18 Benedict et al., discloses the road mat system can be formed by interlocking a plurality of mat bodies (1), such that the system provides for dynamic rotation of the coupling ends in a vertical plane to allow for inconsistencies in the terrain without loss of coupling capability, or strength, while providing a flush end fit. See also Col. 2, ln. 4-col. 2, ln. 99.


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Duckworth et al. # 5,357,727 discloses an expansion joint with a semi-circular receiver (18). Webster # 3,859,000 discloses a road mat with mating ends. Hahn discloses a weather-sealing joint for road mats. Andrus et al. discloses a vehicle wheel traction mat. Shirakawa # 5,971,655 discloses a connection structure for deck panels. Robertson # 2,038,605 discloses a road mat and joint.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 703 305-0135. The examiner can normally be reached on 8-2, 6-8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raymond Addie
Patent Examiner
Group 3600

6/26/2004